

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

KARELLEN STEPHENS guardian)
ad litem for Qadria Stephens,)
)
Plaintiff,)
)
v.) No. 0711-13836
)
AIMEE McQUISTON,)
)
Defendant.)

DEPOSITION OF SOPHIE KRISTINE BURKHOLDER

Taken in Behalf of Plaintiff

February 26, 2008

**CALL OUT
VERSION**

COPY

BR Brenda Y. Rogers
Court Reporter

P.O. Box 82925
Portland, OR 97282-0925
503-422-2532
depo@brenda-courtreporter.com

1 BE IT REMEMBERED That, pursuant to
2 Oregon Rules of Civil Procedure, the deposition of
3 SOPHIE KRISTINE BURKHOLDER was taken before Brenda Y.
4 Rogers, Certified Shorthand Reporter for the State of
5 Oregon, on Tuesday, February 26, 2008, commencing at
6 the hour of 11:11 a.m. in the law office of
7 Lachenmeier Enloe Rall & Heinson, 9600 Southwest
8 Capitol Highway, in the City of Portland, County of
9 Multnomah, State of Oregon.

10

11

--:-

12

APPEARANCES

13

14 Vangelisti Kocher
15 By Mr. Scott F. Kocher
16 Appearing in behalf of Plaintiff

17

18

Lachenmeier Enloe Rall & Heinson
By Mr. Rudy R. Lachenmeier
Appearing in behalf of Defendant

19

Also present: Aimee McQuiston

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Examination by Mr. Kocher

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1 MR. KOCHER: Good morning, Sophie.

2 MISS BURKHOLDER: Good morning.

3 MR. KOCHER: My name is Scott Kocher.
4 I'm the lawyer for the Stephens family. And I'm going
5 to ask you some questions today. And the first thing
6 I want to know is whether you're going to be able to
7 tell me the truth today.

8 MISS BURKHOLDER: I will.

9 MR. KOCHER: Will you?

10 MISS BURKHOLDER: Yeah.

11 MR. KOCHER: Okay. Do you know what it
12 means to tell the truth?

13 MISS BURKHOLDER: Yeah.

14 MR. KOCHER: Our court reporter is
15 going to ask you to give an oath to tell the truth.

16

17 **SOPHIE KRISTINE BURKHOLDER**

18 was thereupon called as a witness and, after having
19 been first given a child's oath, was examined and
20 testified as follows:

21

22 **EXAMINATION**

23 **BY MR. KOCHER:**

24 Q Sophie, you have been friends with Qadria;
25 is that right?

1 A Yeah.

2 Q Do you remember when you first met Qadria?

3 A In kindergarten. Now I'm in third grade.
4 So three years, four years.

5 Q Okay. Would you help me a little bit? I
6 can't hear you very well.

7 A Okay.

8 Q If I could ask you to speak up a little bit,
9 that is going to be really helpful.

10 A Okay.

11 Q I understand you met when you were in
12 kindergarten. Is that the first time you met?

13 A Yeah.

14 Q Were you in the same class in kindergarten?

15 A Yes.

16 Q Were you friends with Qadria in
17 kindergarten?

18 A Yes.

19 Q How about first grade, were you in the same
20 class with her then?

21 A Yeah.

22 Q And second grade?

23 A Yeah.

24 Q And third grade?

25 A Yeah.

1 Q So you've been in the same classroom with
2 Qadria since kindergarten?

3 A Yes.

4 Q Are you in the same classroom with her right
5 now?

6 A Yeah.

7 Q And are you still friends with her?

8 A Yeah.

9 Q Do you remember the day that she got burned
10 at your house?

11 A Yes.

12 Q Okay. Before that day, had Qadria been to
13 your house before?

14 A Yeah.

15 Q Had she slept over at your house before?

16 A Yeah.

17 Q Had you and she ever had a bath when she was
18 at your house before?

19 A Once.

20 Q Before that day, you had had a bath once?

21 A Yeah.

22 Q When was that?

23 A I don't know. I just know that we had it
24 once before.

25 Q Once before she got burned or just the time

1 she got burned?

2 A Once before she got burned.

3 Q And was that a sleepover time or just a play
4 date?

5 A **Sleepover.**

6 Q Do you remember the first time you had a
7 bath with her, not the time she got burned, but the
8 first time you had a bath, do you remember whose idea
9 it was to have a bath?

10 A No.

11 Q Do you take a bath every night?

12 A Like, once every two nights.

13 Q Do you shower sometimes also when you're at
14 home?

15 A Yeah.

16 Q The first time you and Qadria had a bath
17 together, did anybody get hurt?

18 A No.

19 Q Except for the time she got burned, had
20 Qadria ever gotten hurt when she was at your house?

21 A No.

22 Q Okay. The first time that you had a bath
23 with Qadria at your house, do you remember if your mom
24 brought hot water to the bath?

25 A She didn't.

1 Q She did not the first time.

2 A No.

3 Q And the second time was the time Qadria got
4 burned, right?

5 A Yes.

6 Q And that time your mom brought some hot
7 water to the bath?

8 A Yes.

9 Q Do you remember the time Qadria got burned
10 who was the one who thought it would be a good idea to
11 have a bath together?

12 A No.

13 Q Did your mom make you take a bath that day?

14 A No. Well, I know why we took a bath,
15 because she had gone over in the first place to meet
16 our new cat, but she's allergic to cats, so she wanted
17 to wash it off.

18 Q Do you know why your mom was bringing hot
19 water to the bath the time Qadria got burned?

20 A Because it was really cold and there was no
21 hot water left.

22 Q Did she bring the hot water just once or did
23 she bring a couple of batches?

24 A Once.

25 Q Other times when you'd had a bath at your

1 house, has your mom brought you hot water to make it
2 warmer?

3 A Yeah.

4 Q And do you get out of the water before she
5 pours the hot water in?

6 A Sometimes. Sometimes I just scrunch up at
7 the end.

8 Q The time Qadria got burned, did you get out
9 or were you scrunched up at the end.

10 A We got out.

11 Q Both you and Qadria got out?

12 A Yeah.

13 Q Where were you when your mom started pouring
14 the water?

15 A I was on the right side of her. I was right
16 here and she was, and then Qadria.

17 Q And what were you standing on when she
18 started pouring the water?

19 A Just on the floor.

20 Q Where was Qadria standing?

21 A She was standing on the left side of her.

22 Q Was Qadria standing on the floor or was she
23 standing somewhere else?

24 A On the floor.

25 Q You were both standing on the floor outside

1 of the bathtub?

2 A Yeah.

3 Q Can you tell me, in your own words, what you
4 remember about how Qadria got burned?

5 A Well, we got out, and my mom started pouring
6 the water. And my dad was shouting to us. And I
7 think that Qadria was afraid that she might have seen
8 him -- that he might have seen her, and she jumped
9 back in.

10 She told me the next day that she had
11 jumped -- because we have these little ledges on the
12 side of our tub, that she tried to jump on one of
13 those and slipped.

14 MR. KOCHER: Can we go off the record
15 for just a moment?

16 (Discussion off the record)

17 BY MR. KOCHER (Continuing):

18 Q I want to talk to you right now about
19 exactly what you remember, not what anybody else told
20 you. Okay?

21 A Okay.

22 Q About how Qadria got burned. You said that
23 your mom was there and your dad was shouting?

24 A Yeah, he was asking where we wanted to
25 sleep.

1 Q Okay. And did you tell him where you wanted
2 to sleep?

3 A Yeah, we wanted to sleep in the living room.

4 Q Did you tell him that right as he was
5 shouting or did you -- or not?

6 A We told him when he was shouting.

7 Q Okay. Do you remember when -- do you
8 remember how the hot water got onto Qadria?

9 A She just jumped or slipped right into it.

10 Q Was the water in a teakettle?

11 A Yeah.

12 Q Was the teakettle full?

13 A Yeah.

14 Q And is your bathtub -- my bathtub at home,
15 if you're standing on the bathroom floor, then there's
16 a wall, which is the edge of the tub, and then you go
17 over the wall and you're in the bathtub. Is your
18 bathtub like that?

19 A Kind of.

20 Q Is your bathtub different from that? How is
21 your bathtub?

22 A Well, we have the same -- we have like a
23 wall, and the bathtub is, like, set into the wall.

24 Q To get into the bathtub, do you have to take
25 a big step up over to get in?

1 A Well, yeah, pretty much.

2 Q Okay. And do you have to kind of climb
3 over?

4 A No.

5 Q Can you step all the way over?

6 A Yeah.

7 Q All right. And you mentioned a ledge. Does
8 your bathtub have ledges on the side?

9 A Yeah, they're small, but you can stand on
10 them.

11 Q Where are the ledges?

12 A Around the sides of the bathtub. They go
13 all around.

14 Q Okay.

15 MR. LACHENMEIER: I think she's talking
16 about the bathtub itself, not anything separate from
17 the tub.

18 BY MR. KOCHER (Continuing):

19 Q Okay. Just a little hard for me to picture
20 here.

21 When Qadria jumped or slipped, where
22 was she standing when she started to jump or slip?

23 A She was over there (indicating).

24 Q She was to your left?

25 A Yeah. She was on the other side of my mom.

1 Q Okay. And I guess did -- where did she
2 land?

3 A In the center of the tub, right where the
4 water was hitting.

5 Q Okay.

6 A So she was right in the path of it.

7 Q Did she have to get over the wall somehow?

8 A She just jumped or leaped or something.

9 Q Okay. So she jumped from the bathroom floor
10 over the wall into the water? Is that what she did?

11 A Yeah.

12 MR. LACHENMEIER: Counsel, it's not a
13 separate wall; it's just the side of the tub.

14 MR. KOCHER: Okay. I think I've got
15 the right picture, but it's a little hard without
16 having seen it.

17 THE WITNESS: It's kind of weird.

18 BY MR. KOCHER (Continuing):

19 Q Okay. What happened next?

20 A Then I just heard her screaming and my mom
21 stopped pouring as soon as she saw it, and she turned
22 the cold water on and put Qadria's leg under it and
23 called to my dad.

24 After we stopped pouring cold water on
25 it -- well, my dad was helping her cool her leg off.

1 My mom went to call her parents, but they weren't
2 there. And then we got her robe, and we went
3 downstairs to the basement.

4 And then my parents called Kaiser. And
5 finally, her parents came as we were leaving to go to
6 Kaiser.

7 Q After Qadria went out of the bathroom, did
8 she go straight downstairs or did she go somewhere
9 else first?

10 A We went straight -- I think she went to the
11 couch first.

12 Q Where's the couch?

13 A It's in the living room. So you're in the
14 bathroom, and you walk straight down the hallway, and
15 then there's the living room with the couch.

16 Q So you have a living room on the ground
17 floor; is that right?

18 A Yeah.

19 Q And you have a basement downstairs?

20 A Yeah.

21 Q If you're in the living room, do you have an
22 upstairs also, a second floor?

23 A Yeah.

24 MR. LACHENMEIER: Here's Todd's
25 diagram, which he's not here to identify, but you can

1 see how it's set up there. There's the bathroom down
2 at the bottom.

3 MR. KOCHER: So this is our sink?

4 MR. LACHENMEIER: That's the sink and
5 that's the tub. And that's the toilet.

6 MR. KOCHER: Fiberglass-type tub?

7 MR. LACHENMEIER: No, I think it's cast
8 iron.

9 MS. McQUISTON: It's old.

10 MR. KOCHER: Is it claw-foot type --

11 MS. McQUISTON: No, no, it's definitely
12 built in.

13 BY MR. KOCHER (Continuing):

14 Q When Qadria was downstairs, did you go down
15 there to be with her?

16 A Yeah, we watched a movie while we waited for
17 her parents.

18 Q Okay. Did she have some ice for her burn?

19 A We gave her some frozen peas.

20 Q And do you know how long it was before
21 Qadria's mom came over?

22 A No.

23 Q Was it pretty quick or did it take a while?

24 A We called a couple times, so it took, yeah,
25 a little while.

1 Q And Qadria's mom came and picked her up. Is
2 that what happened?

3 A Yeah.

4 Q After Qadria and her mom left, what happened
5 next?

6 A Well, we probably just went to bed or read
7 or did something.

8 Q Were you worried about Qadria?

9 A Yeah.

10 Q Do you remember when you first heard about
11 how she was doing after that?

12 A Yeah. It was the next day I saw her. It
13 was, I think, about two weeks later she came to
14 school.

15 Q Did you go see her the day after she got
16 burned?

17 A No, but a few days afterwards, we brought
18 her a video game and a stuffed animal. And a couple
19 days later, we brought her the class cards everybody
20 had made for her.

21 Q You took the video game and the stuffed
22 animal over to her house?

23 A Yeah.

24 Q Did one of your parents go with you?

25 A My dad.

1 Q And how was Qadria doing when you saw her
2 that day?

3 A She was still laying down, but she was doing
4 better.

5 Q That day when you saw her, was Qadria mad?

6 A No.

7 Q Or either of her parents mad?

8 A No.

9 Q Okay. Have you ever seen either of Qadria's
10 parents upset or mad?

11 A Huh-uh.

12 Q That a no?

13 A Yeah.

14 Q When Qadria came back to school, did she
15 have a bandage on her leg?

16 A No, but she was showing it to everybody, the
17 scar. She didn't have a bandage.

18 Q Did you see it?

19 A Yes.

20 Q What did it look like?

21 A Her skin was lighter on that part, and there
22 was a bunch of dots.

23 Q Do you remember, was she wearing a skirt or
24 pants that day?

25 A No.

1 Q Don't remember what she was wearing?

2 A No.

3 Q When she came back to school, did the class
4 do something to talk to her about her burn or to
5 welcome her back or anything like that?

6 A Everybody was happy she was back, but that
7 was it.

8 Q Before Qadria got burned, did she used to
9 play with you on the playground?

10 A Yes.

11 Q After she got burned, did she do that?

12 A Yes.

13 Q Did she do the same things afterwards or
14 were there some things she didn't do afterwards.

15 A She did the same things.

16 Q Did you notice that she was different at all
17 after she got burned?

18 A No.

19 Q Did you ever go over to her house to play
20 after she got burned?

21 A No.

22 Q Did she ever come over to your house to play
23 after she got burned?

24 A No.

25 Q Did you play together on the playground

1 after she got burned?

2 A Sometimes. We did last year, but this year,
3 we don't play together.

4 MR. KOCHER: I'm going to take a moment
5 and ask to take a look at Rudy's computer --

6 MR. LACHENMEIER: Let me bring you the
7 set of pictures that goes with Aimee, and I'll see if
8 my legal assistant can put it on a laptop and bring it
9 in here.

10 MR. KOCHER: So we're going to take a
11 little break, and we're almost done.

12 (Recess 11:35 to 11:41 a.m.)

13

14 (Deposition concluded at 11:41 a.m.)

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CERTIFICATE

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I, Brenda Y. Rogers, a Certified Shorthand Reporter for Oregon, empowered to administer oaths to witnesses pursuant to Oregon Revised Statute 44.320, hereby certify that, pursuant to stipulation of counsel for the respective parties, hereinbefore set forth, SOPHIE KRISTINE BURKHOLDER personally appeared before me at the set time and place set forth in the caption hereof; that at said time and place, I reported in Stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were transcribed using computer-aided transcription under my direction; and the foregoing transcript constitutes a full, true, and correct record of such testimony adduced and oral proceedings had and of the whole thereof, to the best of my belief and ability.

Witness my hand and seal at Portland,
Oregon, this 27th day of July, 2008.



COPY

Brenda Y. Rogers
Certified Shorthand Reporter
For Oregon; No. 90-0225

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FOR THE COUNTY OF MULTNOMAH

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By Mr. Rudy R. Lachenmeier
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Also present: Aimee McQuiston

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Examination by Mr. Kocher

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1 MR. KOCHER: Good morning, Sophie.

2 MISS BURKHOLDER: Good morning.

3 MR. KOCHER: My name is Scott Kocher.
4 I'm the lawyer for the Stephens family. And I'm going
5 to ask you some questions today. And the first thing
6 I want to know is whether you're going to be able to
7 tell me the truth today.

8 MISS BURKHOLDER: I will.

9 MR. KOCHER: Will you?

10 MISS BURKHOLDER: Yeah.

11 MR. KOCHER: Okay. Do you know what it
12 means to tell the truth?

13 MISS BURKHOLDER: Yeah.

14 MR. KOCHER: Our court reporter is
15 going to ask you to give an oath to tell the truth.

16

17 **SOPHIE KRISTINE BURKHOLDER**

18 was thereupon called as a witness and, after having
19 been first given a child's oath, was examined and
20 testified as follows:

21

22 **EXAMINATION**

23 **BY MR. KOCHER:**

24 Q Sophie, you have been friends with Qadria;
25 is that right?

1 A Yeah.

2 Q Do you remember when you first met Qadria?

3 A In kindergarten. Now I'm in third grade.
4 So three years, four years.

5 Q Okay. Would you help me a little bit? I
6 can't hear you very well.

7 A Okay.

8 Q If I could ask you to speak up a little bit,
9 that is going to be really helpful.

10 A Okay.

11 Q I understand you met when you were in
12 kindergarten. Is that the first time you met?

13 A Yeah.

14 Q Were you in the same class in kindergarten?

15 A Yes.

16 Q Were you friends with Qadria in
17 kindergarten?

18 A Yes.

19 Q How about first grade, were you in the same
20 class with her then?

21 A Yeah.

22 Q And second grade?

23 A Yeah.

24 Q And third grade?

25 A Yeah.

1 Q So you've been in the same classroom with
2 Qadria since kindergarten?

3 A Yes.

4 Q Are you in the same classroom with her right
5 now?

6 A Yeah.

7 Q And are you still friends with her?

8 A Yeah.

9 Q Do you remember the day that she got burned
10 at your house?

11 A Yes.

12 Q Okay. Before that day, had Qadria been to
13 your house before?

14 A Yeah.

15 Q Had she slept over at your house before?

16 A Yeah.

17 Q Had you and she ever had a bath when she was
18 at your house before?

19 A Once.

20 Q Before that day, you had had a bath once?

21 A Yeah.

22 Q When was that?

23 A I don't know. I just know that we had it
24 once before.

25 Q Once before she got burned or just the time

1 she got burned?

2 A Once before she got burned.

3 Q And was that a sleepover time or just a play
4 date?

5 A Sleepover.

6 Q Do you remember the first time you had a
7 bath with her, not the time she got burned, but the
8 first time you had a bath, do you remember whose idea
9 it was to have a bath?

10 A No.

11 Q Do you take a bath every night?

12 A Like, once every two nights.

13 Q Do you shower sometimes also when you're at
14 home?

15 A Yeah.

16 Q The first time you and Qadria had a bath
17 together, did anybody get hurt?

18 A No.

19 Q Except for the time she got burned, had
20 Qadria ever gotten hurt when she was at your house?

21 A No.

22 Q Okay. The first time that you had a bath
23 with Qadria at your house, do you remember if your mom
24 brought hot water to the bath?

25 A She didn't.

1 Q She did not the first time.

2 A No.

3 Q And the second time was the time Qadria got
4 burned, right?

5 A Yes.

6 Q And that time your mom brought some hot
7 water to the bath?

8 A Yes.

9 Q Do you remember the time Qadria got burned
10 who was the one who thought it would be a good idea to
11 have a bath together?

12 A No.

13 Q Did your mom make you take a bath that day?

14 A No. Well, I know why we took a bath,
15 because she had gone over in the first place to meet
16 our new cat, but she's allergic to cats, so she wanted
17 to wash it off.

18 Q Do you know why your mom was bringing hot
19 water to the bath the time Qadria got burned?

20 A Because it was really cold and there was no
21 hot water left.

22 Q Did she bring the hot water just once or did
23 she bring a couple of batches?

24 A Once.

25 Q Other times when you'd had a bath at your

1 house, has your mom brought you hot water to make it
2 warmer?

3 A Yeah.

4 Q And do you get out of the water before she
5 pours the hot water in?

6 A Sometimes. Sometimes I just scrunch up at
7 the end.

8 Q The time Qadria got burned, did you get out
9 or were you scrunched up at the end.

10 A We got out.

11 Q Both you and Qadria got out?

12 A Yeah.

13 Q Where were you when your mom started pouring
14 the water?

15 A I was on the right side of her. I was right
16 here and she was, and then Qadria.

17 Q And what were you standing on when she
18 started pouring the water?

19 A Just on the floor.

20 Q Where was Qadria standing?

21 A She was standing on the left side of her.

22 Q Was Qadria standing on the floor or was she
23 standing somewhere else?

24 A On the floor.

25 Q You were both standing on the floor outside

1 of the bathtub?

2 A Yeah.

3 Q Can you tell me, in your own words, what you
4 remember about how Qadria got burned?

5 A Well, we got out, and my mom started pouring
6 the water. And my dad was shouting to us. And I
7 think that Qadria was afraid that she might have seen
8 him -- that he might have seen her, and she jumped
9 back in.

10 She told me the next day that she had
11 jumped -- because we have these little ledges on the
12 side of our tub, that she tried to jump on one of
13 those and slipped.

14 MR. KOCHER: Can we go off the record
15 for just a moment?

16 (Discussion off the record)

17 BY MR. KOCHER (Continuing):

18 Q I want to talk to you right now about
19 exactly what you remember, not what anybody else told
20 you. Okay?

21 A Okay.

22 Q About how Qadria got burned. You said that
23 your mom was there and your dad was shouting?

24 A Yeah, he was asking where we wanted to
25 sleep.

1 Q Okay. And did you tell him where you wanted
2 to sleep?

3 A Yeah, we wanted to sleep in the living room.

4 Q Did you tell him that right as he was
5 shouting or did you -- or not?

6 A We told him when he was shouting.

7 Q Okay. Do you remember when -- do you
8 remember how the hot water got onto Qadria?

9 A She just jumped or slipped right into it.

10 Q Was the water in a teakettle?

11 A Yeah.

12 Q Was the teakettle full?

13 A Yeah.

14 Q And is your bathtub -- my bathtub at home,
15 if you're standing on the bathroom floor, then there's
16 a wall, which is the edge of the tub, and then you go
17 over the wall and you're in the bathtub. Is your
18 bathtub like that?

19 A Kind of.

20 Q Is your bathtub different from that? How is
21 your bathtub?

22 A Well, we have the same -- we have like a
23 wall, and the bathtub is, like, set into the wall.

24 Q To get into the bathtub, do you have to take
25 a big step up over to get in?

1 A Well, yeah, pretty much.

2 Q Okay. And do you have to kind of climb
3 over?

4 A No.

5 Q Can you step all the way over?

6 A Yeah.

7 Q All right. And you mentioned a ledge. Does
8 your bathtub have ledges on the side?

9 A Yeah, they're small, but you can stand on
10 them.

11 Q Where are the ledges?

12 A Around the sides of the bathtub. They go
13 all around.

14 Q Okay.

15 MR. LACHENMEIER: I think she's talking
16 about the bathtub itself, not anything separate from
17 the tub.

18 BY MR. KOCHER (Continuing):

19 Q Okay. Just a little hard for me to picture
20 here.

21 When Qadria jumped or slipped, where
22 was she standing when she started to jump or slip?

23 A She was over there (indicating).

24 Q She was to your left?

25 A Yeah. She was on the other side of my mom.

1 Q Okay. And I guess did -- where did she
2 land?

3 A In the center of the tub, right where the
4 water was hitting.

5 Q Okay.

6 A So she was right in the path of it.

7 Q Did she have to get over the wall somehow?

8 A She just jumped or leaped or something.

9 Q Okay. So she jumped from the bathroom floor
10 over the wall into the water? Is that what she did?

11 A Yeah.

12 MR. LACHENMEIER: Counsel, it's not a
13 separate wall; it's just the side of the tub.

14 MR. KOCHER: Okay. I think I've got
15 the right picture, but it's a little hard without
16 having seen it.

17 THE WITNESS: It's kind of weird.

18 BY MR. KOCHER (Continuing):

19 Q Okay. What happened next?

20 A Then I just heard her screaming and my mom
21 stopped pouring as soon as she saw it, and she turned
22 the cold water on and put Qadria's leg under it and
23 called to my dad.

24 After we stopped pouring cold water on
25 it -- well, my dad was helping her cool her leg off.

1 My mom went to call her parents, but they weren't
2 there. And then we got her robe, and we went
3 downstairs to the basement.

4 And then my parents called Kaiser. And
5 finally, her parents came as we were leaving to go to
6 Kaiser.

7 Q After Qadria went out of the bathroom, did
8 she go straight downstairs or did she go somewhere
9 else first?

10 A We went straight -- I think she went to the
11 couch first.

12 Q Where's the couch?

13 A It's in the living room. So you're in the
14 bathroom, and you walk straight down the hallway, and
15 then there's the living room with the couch.

16 Q So you have a living room on the ground
17 floor; is that right?

18 A Yeah.

19 Q And you have a basement downstairs?

20 A Yeah.

21 Q If you're in the living room, do you have an
22 upstairs also, a second floor?

23 A Yeah.

24 MR. LACHENMEIER: Here's Todd's
25 diagram, which he's not here to identify, but you can

1 see how it's set up there. There's the bathroom down
2 at the bottom.

3 MR. KOCHER: So this is our sink?

4 MR. LACHENMEIER: That's the sink and
5 that's the tub. And that's the toilet.

6 MR. KOCHER: Fiberglass-type tub?

7 MR. LACHENMEIER: No, I think it's cast
8 iron.

9 MS. McQUISTON: It's old.

10 MR. KOCHER: Is it claw-foot type --

11 MS. McQUISTON: No, no, it's definitely
12 built in.

13 BY MR. KOCHER (Continuing):

14 Q When Qadria was downstairs, did you go down
15 there to be with her?

16 A Yeah, we watched a movie while we waited for
17 her parents.

18 Q Okay. Did she have some ice for her burn?

19 A We gave her some frozen peas.

20 Q And do you know how long it was before
21 Qadria's mom came over?

22 A No.

23 Q Was it pretty quick or did it take a while?

24 A We called a couple times, so it took, yeah,
25 a little while.

1 Q And Qadria's mom came and picked her up. Is
2 that what happened?

3 A Yeah.

4 Q After Qadria and her mom left, what happened
5 next?

6 A Well, we probably just went to bed or read
7 or did something.

8 Q Were you worried about Qadria?

9 A Yeah.

10 Q Do you remember when you first heard about
11 how she was doing after that?

12 A Yeah. It was the next day I saw her. It
13 was, I think, about two weeks later she came to
14 school.

15 Q Did you go see her the day after she got
16 burned?

17 A No, but a few days afterwards, we brought
18 her a video game and a stuffed animal. And a couple
19 days later, we brought her the class cards everybody
20 had made for her.

21 Q You took the video game and the stuffed
22 animal over to her house?

23 A Yeah.

24 Q Did one of your parents go with you?

25 A My dad.

1 Q And how was Qadria doing when you saw her
2 that day?

3 A She was still laying down, but she was doing
4 better.

5 Q That day when you saw her, was Qadria mad?

6 A No.

7 Q Or either of her parents mad?

8 A No.

9 Q Okay. Have you ever seen either of Qadria's
10 parents upset or mad?

11 A Huh-uh.

12 Q That a no?

13 A Yeah.

14 Q When Qadria came back to school, did she
15 have a bandage on her leg?

16 A No, but she was showing it to everybody, the
17 scar. She didn't have a bandage.

18 Q Did you see it?

19 A Yes.

20 Q What did it look like?

21 A Her skin was lighter on that part, and there
22 was a bunch of dots.

23 Q Do you remember, was she wearing a skirt or
24 pants that day?

25 A No.

1 Q Don't remember what she was wearing?

2 A No.

3 Q When she came back to school, did the class
4 do something to talk to her about her burn or to
5 welcome her back or anything like that?

6 A Everybody was happy she was back, but that
7 was it.

8 Q Before Qadria got burned, did she used to
9 play with you on the playground?

10 A Yes.

11 Q After she got burned, did she do that?

12 A Yes.

13 Q Did she do the same things afterwards or
14 were there some things she didn't do afterwards.

15 A She did the same things.

16 Q Did you notice that she was different at all
17 after she got burned?

18 A No.

19 Q Did you ever go over to her house to play
20 after she got burned?

21 A No.

22 Q Did she ever come over to your house to play
23 after she got burned?

24 A No.

25 Q Did you play together on the playground

1 after she got burned?

2 A Sometimes. We did last year, but this year,
3 we don't play together.

4 MR. KOCHER: I'm going to take a moment
5 and ask to take a look at Rudy's computer --

6 MR. LACHENMEIER: Let me bring you the
7 set of pictures that goes with Aimee, and I'll see if
8 my legal assistant can put it on a laptop and bring it
9 in here.

10 MR. KOCHER: So we're going to take a
11 little break, and we're almost done.

12 (Recess 11:35 to 11:41 a.m.)

13

14 (Deposition concluded at 11:41 a.m.)

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CERTIFICATE

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I, Brenda Y. Rogers, a Certified Shorthand Reporter for Oregon, empowered to administer oaths to witnesses pursuant to Oregon Revised Statute 44.320, hereby certify that, pursuant to stipulation of counsel for the respective parties, hereinbefore set forth, SOPHIE KRISTINE BURKHOLDER personally appeared before me at the set time and place set forth in the caption hereof; that at said time and place, I reported in Stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were transcribed using computer-aided transcription under my direction; and the foregoing transcript constitutes a full, true, and correct record of such testimony adduced and oral proceedings had and of the whole thereof, to the best of my belief and ability.

Witness my hand and seal at Portland,
Oregon, this 27th day of July, 2008.



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Brenda Y. Rogers
Certified Shorthand Reporter
For Oregon; No. 90-0225